

PCT

IAP6 Rec'd PCT/PTO 17 FEB 2006



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: D. Olsen, et al.	Art Unit:
Serial No.: 10/517,294 (Case No. 21124YP)	
Filed: June 23, 2003	Examiner:
For: NUCLEOSIDE DERIVATIVES AS INHIBITORS OF RNA-DEPENDENT RNA VIRAL POLYMERASE	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

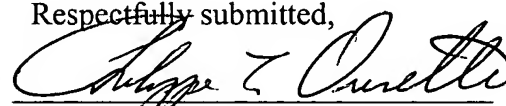
RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Sir:

In response to the Notification of Defective Response dated February 7, 2006, that the instant application fails to comply with the requirements of 37 CFR 1.821-1.825, the Applicants maintain that the application does not disclose or claim any protein or polynucleotide requiring a Sequence Listing.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

**MERCK & CO., INC.**  
By Doreen Brown Date 2/14/2006

Respectfully submitted,  
By   
Philippe L. Durette  
Reg. No. 35,125  
Attorney for Applicants  
MERCK & CO., Inc.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
Tel. No. (732) 594-4568

Date: February 14, 2006



PAT. REG. COORD.  
DOCKET  
ATTORNEY  
MAINTENANCE  
OTHER

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/517,294	David B Olsen	21124YP

INTERNATIONAL APPLICATION NO.
-------------------------------

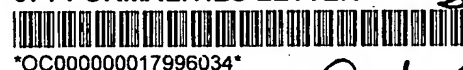
PCT/US03/19776

I.A. FILING DATE	PRIORITY DATE
06/23/2003	06/27/2002

000210  
MERCK AND CO., INC  
P O BOX 2000  
RAHWAY, NJ 07065-0907

FEB 10 2006

CONFIRMATION NO. 4718  
371 FORMALITIES LETTER



\*OC000000017996034\*

Date Mailed: 02/07/2006

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/07/2004
- Preliminary Amendments filed on 12/07/2004
- Information Disclosure Statements filed on 03/09/2005
- Oath or Declaration filed on 01/19/2006
- U.S. Basic National Fees filed on 12/07/2004
- Priority Documents filed on 12/07/2004
- Specification filed on 12/07/2004
- Claims filed on 12/07/2004
- Abstracts filed on 12/07/2004

PATENT DEPARTMENT

FEB 13 2006

PHIL DURETTE

Applicant's response filed 01/19/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 11/15/2005 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37

Folder Pulled

RJW Feb 13 2006

CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/517,294	PCT/US03/19776	21124YP